

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 44

October 14, 2003

SUBJECT: ANIMAL SHOOTINGS - REPORTING REQUIREMENTS

PURPOSE: This Order clarifies when officers are authorized to use a firearm to destroy vicious, rabid, critically injured, predatory or venomous animals and the required reporting procedure.

PROCEDURE:

I. DESTROYING ANIMALS. Under certain circumstances officers are authorized to use a firearm to destroy an animal when a local Department of Animal Services representative is not readily available.

A. Critically Injured Animals. Officers may use a firearm to destroy a critically injured animal when a delay in destroying the animal would be inhumane.

Note: The owner's consent shall be obtained prior to destroying a critically injured animal, when practical.

B. Vicious or Rabid Animals. Officers may use a firearm to destroy a vicious, potentially dangerous, or rabid animal when a delay would expose persons to danger.

Note: Animals suspected of being rabid should not be shot in the head except in an emergency.

C. Predatory Animals. Provisions for destroying predatory animals attacking people, domestic animals or livestock, under certain circumstances, are outlined in the California Food and Agriculture Code, and the California Fish and Game Code.

D. Venomous/Poisonous Animals. Officers may use a firearm to destroy venomous or poisonous animals, which pose an immediate danger.

Note: The use of a firearm should be considered only if other methods are impractical (e.g., use of a shovel, hoe or other tool).

II. REPORTING REQUIREMENTS, ANIMAL SHOOTINGS. When one of these incidents occurs involving on-duty officers, Critical Incident Investigation Division (CIID) shall conduct an investigation in accordance with Department Manual Section 2/609.05. However, when the officer is off-duty, the following procedure shall apply:

A. Officer's Responsibility. An off-duty officer who discharges any firearm in order to destroy an animal, except legally destroying an animal while hunting, shall promptly:

- * Contact the local law enforcement agency having jurisdiction and inform them of the circumstances surrounding the incident and request a report;
- * Notify the watch commander or a supervisor at his/her Area/division of assignment. If closed, notify the Department Command Post (DCP) and his/her Area/division as soon as it opens; and,
- * Obtain a copy of the report, log entry or other documentation completed by the local law enforcement agency, if one was completed.

On the officer's next scheduled working day, but no later than seven days after the incident, the officer shall complete and submit an Employee's Report, Form 15.7, to his/her commanding officer. The Employee's Report shall include:

- * The circumstances of the incident;
- * Whether the weapon used was City or privately owned;
- * The date and time of the notification to the local law enforcement agency, and the name of the person notified;
- * The date, time and name of the supervisor notified at the officer's Area/division of assignment or the person notified at the DCP;
- * The names and contact information of any witnesses; and,
- * An attached copy of the local law enforcement agency report or other documentation.

B. Watch Commander or Officer in Charge Responsibility.

A watch commander or officer in charge who is notified that an officer has been involved in the off-duty discharge of any firearm for purposes of destroying an animal, other than while hunting, shall promptly:

- * Notify the DCP;
- * Contact the CIID on-call representative and be guided by their advice; and,
- * If directed by the concerned Area/division commanding officer, dispatch a supervisor to the location of occurrence.

C. Department Command Post Responsibility. When the DCP is notified of this type of incident, they shall include it in the Chief of Police 24-hour Occurrence Log. Additionally, if the employee's Area/division of assignment is closed, the DCP shall:

- * Notify the CIID on-call team and be guided by their advice;
- * Notify the involved employee's commanding officer; and,
- * If directed by the involved employee's commanding officer, dispatch a supervisor from the nearest geographical Area to the location of occurrence.

D. Supervisor's Responsibility. When it is determined that CIID will not respond to the scene of an off-duty animal shooting, the concerned Area/division commanding officer will determine if a supervisor shall respond.

The supervisor responding to the scene of occurrence shall:

- * Ensure the incident is being handled in accordance to the reporting procedures outlined in this Order; and,
- * Record the response to the scene and his/her observations in the Sergeant's Daily Report, Form 15.48.

Note: Issues relating to personnel performance or misconduct shall not be recorded on the Sergeant's Daily Report. In those instances when performance or misconduct issues arise, the supervisor shall follow the appropriate reporting procedures.

E. Commanding Officer's Responsibility. The commanding officer of the involved officer shall:

- * Determine whether a supervisor shall respond to the location of the occurrence; and,

Note: Extreme distance to the location of the occurrence shall be considered in determining supervisory response.

- * Forward the involved officer's Employee's Report, the investigation conducted by the local law enforcement agency and a copy of the responding supervisor's Sergeant's Daily Report to CIID within 14 days of the occurrence.

F. Critical Incident Investigation Division's Responsibility. When notified of this type of incident, CIID shall evaluate the incident to determine if an immediate follow-up investigation by CIID is required. If the information indicates the incident solely involves a critically injured, vicious, rabid or venomous/poisonous animal, CIID shall review the documents received from the involved officer's commanding officer, assign a CIID investigative control number, create a CIID file retaining all original documents and forward a copy of all materials to the Chair of the Use of Force Review Board. The Chair, Use of Force Review Board will determine further Department administrative review.

Note: When it is determined that CIID will not investigate an off-duty animal shooting, the involved officer's Employee's Report, a copy of the investigation from the outside law enforcement agency and a copy of the responding supervisor's Sergeant's Daily Report will serve as the administrative investigation into the incident.

AMENDMENTS: This Order amends Sections 2/310.15, 2/609.15, 2/609.20, 3/794.10, 3/794.35, 4/204.80, 4/244.30 and deletes Section 4/244.80 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "A"